

USE OF HEW RESEARCH FACILITIES BY ACADEMIC
SCIENTISTS, ENGINEERS AND STUDENTS

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Title 45—PUBLIC WELFARE

Subtitle A-Department of **Health,**
Education, and Welfare, General
Administration

**PART 9—USE OF HEW RESEARCH FA-
CILITIES BY ACADEMIC SCIENTISTS,
ENGINEERS, AND STUDENTS**

Part 9 of Subtitle A of Title 45 of the
Code of Federal Regulations is revised to
read as follows :

- sec.
- 9.1 Purpose.
- 9.2 **Policy.**
- 9.3 Delegations of authority.
- 9.4 **Criteria.**
- 9.5 **Restrictions.**

AUTHORITY: The provisions of this Part 9
issued under 27 Stat. 395, as amended; 20
U.S.C. 91.

§ 9.1 Purpose.

To enhance the availability of **DHEW**
scientific research and study **facilities** to
academic scientists, **engineers,** and **qual-**
ified students.

§ 9.2 Policy.

It is the policy of the Department of
Health, Education, and **Welfare** in ac-
cordance with the policy of the President
announced on February 21, 1969, to make
research **and study** facilities of the De-
partment readily available to the **scien-**
tific community, especially qualified **aca-**
demic scientists and engineers. Unique,
unusual, and expensive-to-duplicate fa-
cilities at laboratories and other study
and research facilities of the Depart-
ment will be made available to the na-
tional scientific community, to the max-
imum extent practical without serious
detriment to the missions of those facili-
ties. It is also the policy of the Depart-
ment to permit qualified students and
graduates of institutions of learning in
the several States, and territories, as well
as the District of Columbia, to use study
and research facilities of the Depart-
ment. When **such facilities are used by**
academic scientists, engineers, and stu-
dents, the costs incurred for the opera-
tion of the unique or unusual research
facilities, as well as of the other facili-
ties, should be funded by the operating
agency responsible for the operation of
that **facility,** except for any significant
incremental **costs** incurred in support
of research not directly related to an
HEW mission.

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§ 9.3 Delegations of authority.

(a) The heads of operating agencies
are delegated authority for negotiations
and decisions as to the use of Depart-
ment facilities by qualified academic
scientists, engineers, and students.

(b) The heads of operating agencies
may (and are encouraged to) redelegate
to the heads of their respective compo-
nent organizations, with the power to
further redelegate to laboratory direc-
tors, the authority for negotiations and
decisions as to the use of departmental
facilities. Appropriate use shall be made
of advisory groups in formulating their
decisions.

§ 9.4 Criteria.

(a) The **official** permitting use of De-
partment facilities must determine that
it **would** be consistent with the programs
of his activity to participate. Facilities
may be made available provided the use
of such facilities will be of direct bene-
fit to the objectives of the academic
scientist, or engineer, or student, with
the prospect of fruitful interchange of
ideas and information between Depart-
ment personnel and the academic scien-
tist, or engineer, or student, and such
use will not interfere with the Depart-
ment program.

(b) The **official** permitting use of **De-**
partment facilities will furnish the **non-**
Government user with safety require-
ments or operating procedures to be **fol-**
lowed. Such requirements or procedures
are to include **the** requirement to report
to the **permitting** official any **accident**
involving the non-Government user.

(c) The **official** delegated authority
for approving the use of Department
facilities will not permit the use of lab-
oratory facilities **unless** he **determine:**

(1) That **facilities** are available **for**
the period desired; and

(2) That the proposed research will
not interfere with regular Department
functions or needs, nor require the subse-
quent acquisition of additional equipment
by the Department.

§ 9.5 Restrictions.

(a) Each individual authorized to use
Department facilities **will** be expected to
use the facilities and equipment with
customary care and **otherwise** conduct
himself in such manner as to complete
his research or study within any time
limits prescribed.

(9.5 continued/

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(b) Each individual authorized to use HEW facilities may not be authorized to sign requisitions for supplies and equipment.

(c) Any official approving the use of **HEW** facilities should seek an agreement, executed by non-Government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to the non-Government user's experiments or equipment. The agreement must also contain a statement that the non-Government user will comply with all safety regulations and procedures while using such facilities.

Effective *date*. This amendment shall become effective on the *date* of its publication in the **FEDERAL REGISTER**.

Approved: November 20, 1969.

SOL ELSON,
*Acting Deputy Assistant Secretary
for Administration.*

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8:48 a.m.]